

I. REMARKS

The Examiner has imposed a restriction/election requirement against the claims of the instant application based on the contention that more than one species is claimed and that the claimed species lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. The Examiner argues that the following species are lack unity of invention in the Office Action of May 31, 2006:

Species I, pertaining to a non-reducing disaccharide, wherein claims 1, 2, 4-14, 16, 17, 19-22, 24-28, 30 and 32-37 are generic;

Species II, pertaining to a LEA class polypeptide, wherein claims 1-14, 16-22, 24-28 and 30-37 are generic.

The Examiner argues that Species I lack unity of invention because the non-reducing disaccharides share a common structure (disaccharide) and function (stabilization of biomolecules) that is known in the art so that the species lack the same or corresponding special technical feature. The Examiner argues that Species II lack unity of invention because the LEA class share a common structure (the sequence motif of SEQ ID NO:1) and function (stabilization of biomolecules) that is known in the art so that the species lack the same or corresponding technical features.

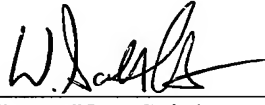
Applicants elect, without traverse, the disaccharide species, trehalose, as recited in claims 2, 3, 17, 18, 30 and 31, and the LEA class polypeptide species recited by claims 5 and 6(a) (i.e., polypeptide species of claim 5 contains at least four copies of the characteristic 11-mer motif as claimed in present claims 4 and 6(a): K-T-A-E-F-R-D-S-A-G-E (SEQ ID NO. 2)), as recited in claims 4, 5, 6, 19, 20, 21, 32, 33 and 34. In this case, all remaining claims are believed to be generic.

Applicants remind the Examiner that upon allowance of a generic claim, all claims depending on the allowed generic claim are likewise allowable and should be rejoined with the allowed claims in accordance with MPEP § 821.04(a).

Questions are welcomed by the below-signed attorney for Applicants.

Respectfully submitted,

GRIFFIN & SZIPL, P.C.

for  *Reg # 47,395*
Joerg-Uwe Szipl
Registration No. 31,799

GRIFFIN & SZIPL, P.C.
Suite PH-1
2300 Ninth Street, South
Arlington, VA 22204

Telephone: (703) 979-5700
Facsimile: (703) 979-7429
Email: GandS@szipl.com
Customer No.: 24203